

233897

BAKER & MILLER PLLC

ATTORNEYS AND COUNSELLORS

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FILED

WILLIAM A. MULLINS

MAR 1 - 2013

(202) 663 7823 (Direct Dial)

E-Mail wmullins@bakerandmiller.com

**SURFACE
TRANSPORTATION BOARD**

March 1, 2013

BY HAND DELIVERY

Cynthia T. Brown, Chief
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

ENTERED
Office of Proceedings

MAR 1 - 2013

Part of
Public Record



Re. *Alabama Railroad Co - Abandonment Exemption - In Monroe County AL, STB*
Docket No. AB-463 (Sub-No. 1X)

Dear Ms. Brown:

Pursuant to the Board's abandonment class exemption procedures for lines with no local business for at least two years (49 C.F.R. Part 1152, Subpart F), enclosed are an original and 11 copies of a verified abandonment notice of exemption encompassing a portion of the rail system of the Alabama Railroad Co.

A check in the amount of \$3,700.00 is enclosed to cover the applicable filing fee

Please acknowledge receipt and filing of this notice of exemption by date stamping the enclosed eleventh copy and returning it to the courier to return to me

Sincerely,

William A. Mullins
Attorney for Alabama Railroad Co.

Enclosures
cc: J Michael Carr

FEE RECEIVED

MAR 1 - 2013

**SURFACE
TRANSPORTATION BOARD**

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC

STB Docket No. AB-463 (Sub-No. 1X)

ENTERED
Office of Proceedings
MAR 1 - 2013
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Public Record

ALABAMA RAILROAD CO.
- ABANDONMENT EXEMPTION -
IN MONROE COUNTY, ALABAMA

EXEMPTION NOTICE



FEE RECEIVED

MAR 1 - 2013
SURFACE
TRANSPORTATION BOARD

FILED

MAR 1 - 2013
SURFACE
TRANSPORTATION BOARD

William A. Mullins
Robert A. Wimbish
BAKER & MILLER PLLC
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Suite 300
Washington, DC 20037
Tel: (202) 663-7823
Fax: (202) 663-7849

March 1, 2013

Attorneys for Alabama Railroad Co.

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-463 (Sub-No. 1X)

**ALABAMA RAILROAD CO.
– ABANDONMENT EXEMPTION –
IN MONROE COUNTY, ALABAMA**

EXEMPTION NOTICE

Alabama Railroad Co. ("ALAB") hereby submits the following notice of exemption pursuant to 49 C.F.R. Part 1152, Subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights), to abandon approximately 7.42 miles of rail line (the "Line") located in Monroe County, Alabama, extending from milepost 655.20 (east of Route 21, at Tunnel Springs, Alabama) to milepost 662.62 (west of Main Street, in Beauice, Alabama). In accordance with the requirements of 49 C.F.R. §§ 1152.50(b) and (d), ALAB provides the following information in support of its abandonment notice:

Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)

ALAB expects to be able to consummate the proposed abandonment on or after April 21, 2013 (50 days after filing the notice of exemption).

Certification: 49 C.F.R. § 1152.50(b)

ALAB certifies that the Line satisfies the criteria for abandonment under the exemption provisions at 49 C.F.R. Part 1152, Subpart F. See Verification of J. Michael Carr, President, Alabama Railroad Co., attached hereto as Exhibit A. During the past two years, there has been no local common carrier service provided over the Line nor have there been any requests for

common carrier service during that period, but portions of the Line may have been used for purposes of freight car storage. Use of the line for freight car storage, however, does not disqualify ALAB from invoking the Board's abandonment notice of exemption procedures.¹

Additional Information Required: 49 C.F.R. §§ 1152.22(a)(1)-(4), (7)-(8) and (e)(4)

Exact name of applicant (49 C.F.R. § 1152.22(a)(1)):

Alabama Railroad Co

Whether applicant is a common carrier by railroad (49 C.F.R. § 1152.22(a)(2))

ALAB is a Class III common carrier by railroad subject to the Board's jurisdiction under 49 U.S.C. Subtitle IV

Relief sought (49 C.F.R. § 1152.22(a)(3)):

ALAB is invoking the Board's two-year-out-of-service class exemption procedures to abandon approximately 7.42 miles of rail line (the "Line") located in Monroe County, Alabama, extending from milepost 655.20 (east of Route 21, at Tunnel Springs, Alabama) to milepost 662.62 (west of Main Street, in Beatrice, Alabama).

Map (49 C.F.R. § 1152.22(a)(4)).

A detailed map showing the location of the Line is attached hereto as Exhibit B.

Applicant's representative (49 C.F.R. § 1152.22(a)(7)).

ALAB's representative to whom correspondence regarding this abandonment should be sent is as follows.

¹ See, e.g., Indiana Southwestern Railway Co. – Abandonment Exemption – In Posey and Vanderburgh Counties, Ind., STB Docket No. AB 1065X (STB served Dec 23, 2010), cf., The New York, Susquehanna and Western Railway Corporation – Discontinuance of Service Exemption--in Broome and Chenango Counties, NY, STB Docket No. AB-286 (Sub-No. 5X) (STB served Aug 25, 2008) (distinguishing railcar storage, a private service, from common carrier service).

William A. Mullins
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2401 Pennsylvania Ave., NW, Suite 300
Washington, DC 20037
Tel (202) 663-7823
Fax: (202) 663-7849

USPS ZIP codes (49 C.F.R. § 1152.22(a)(8)):

The Line lies within U.S. Postal Service ZIP Codes territories 36425 and 36471.

Rural and Community Impact (49 C.F.R. § 1152.22(e)(4)):

Because the Line has been dormant for over two years, ALAB anticipates no adverse rural or community impact will result from the proposed abandonment. For the same reason, there will be no effect on regional or local transportation systems and patterns as a result of abandonment, and there will be no diversion of traffic to other transportation systems or modes.

The Line does not contain federally-granted right-of-way. As appropriate, ALAB is willing promptly to make available any information in its possession to anyone so requesting it.

Labor Protection

The interests of affected railroad employees, if any, will be protected by the conditions discussed in Oregon Short Line R. Co. – Abandonment – Goshen, 360 I C C 91 (1979).

Certifications

Attached hereto as Exhibit C are Certificates of Service and Publication certifying that ALAB has complied with the notice and newspaper publication requirements set forth at 49 C.F.R. § 1152.50(d)(1) and 49 C.F.R. § 1105.12, respectively. Attached as Exhibit D is a certification of compliance with the advance notice requirements for Environmental and Historic Reports as set forth at 49 C.F.R. § 1105.11.

Environmental and Historic Report

In keeping with its certification of compliance with the provisions of 49 C.F.R. § 1105.11, ALAB has prepared a consolidated Environmental and Historic Report ("E&HR") conforming to the requirements of 49 C.F.R. §§ 1105.7 and 1105.8. A copy of that E&HR was previously served upon the Board's Office of Environmental Analysis, but is also attached hereto as Attachment I to Exhibit D (ALAB's section 1105.11 certification).

Respectfully submitted,



William A. Mullins
Robert A. Wimbish
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7823
Fax: (202) 663-7849

Attorneys for Alabama Railroad Co

March 1, 2013

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-463 (Sub-No. 1X)

**ALABAMA RAILROAD CO.
– ABANDONMENT EXEMPTION –
IN MONROE COUNTY, ALABAMA**

EXEMPTION NOTICE

EXHIBIT A

VERIFICATION


VERIFICATION

I, J. Michael Carr, President of the Alabama Railroad Co. ("ALAB") hereby verify and certify that no local traffic has moved over the subject portion of ALAB's rail system (the "Line") extending from milepost 655.2 (east of Route 21, at Tunnel Springs, Alabama) to milepost 662.62 (west of Main Street, in Beatrice, Alabama) for at least two years

I also hereby verify and certify that there is no overhead traffic on the Line that has been, or would need to be, rerouted as a result of the proposed abandonment. I further verify and certify that no formal complaint filed by a user of rail service on the Line (or filed by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with this Board or any U.S. District Court or has been decided in favor of the complainant within the said two-year period. I also certify that I am duly authorized to make this verification.

I hereby verify that the information contained in the foregoing abandonment notice of exemption is true and correct to the best of my information and belief.

Dated: February 28, 2013



J. Michael Carr
President, Alabama Railroad Co.

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-463 (Sub-No. 1X)

**ALABAMA RAILROAD CO.
– ABANDONMENT EXEMPTION –
IN MONROE COUNTY, ALABAMA**

EXEMPTION NOTICE

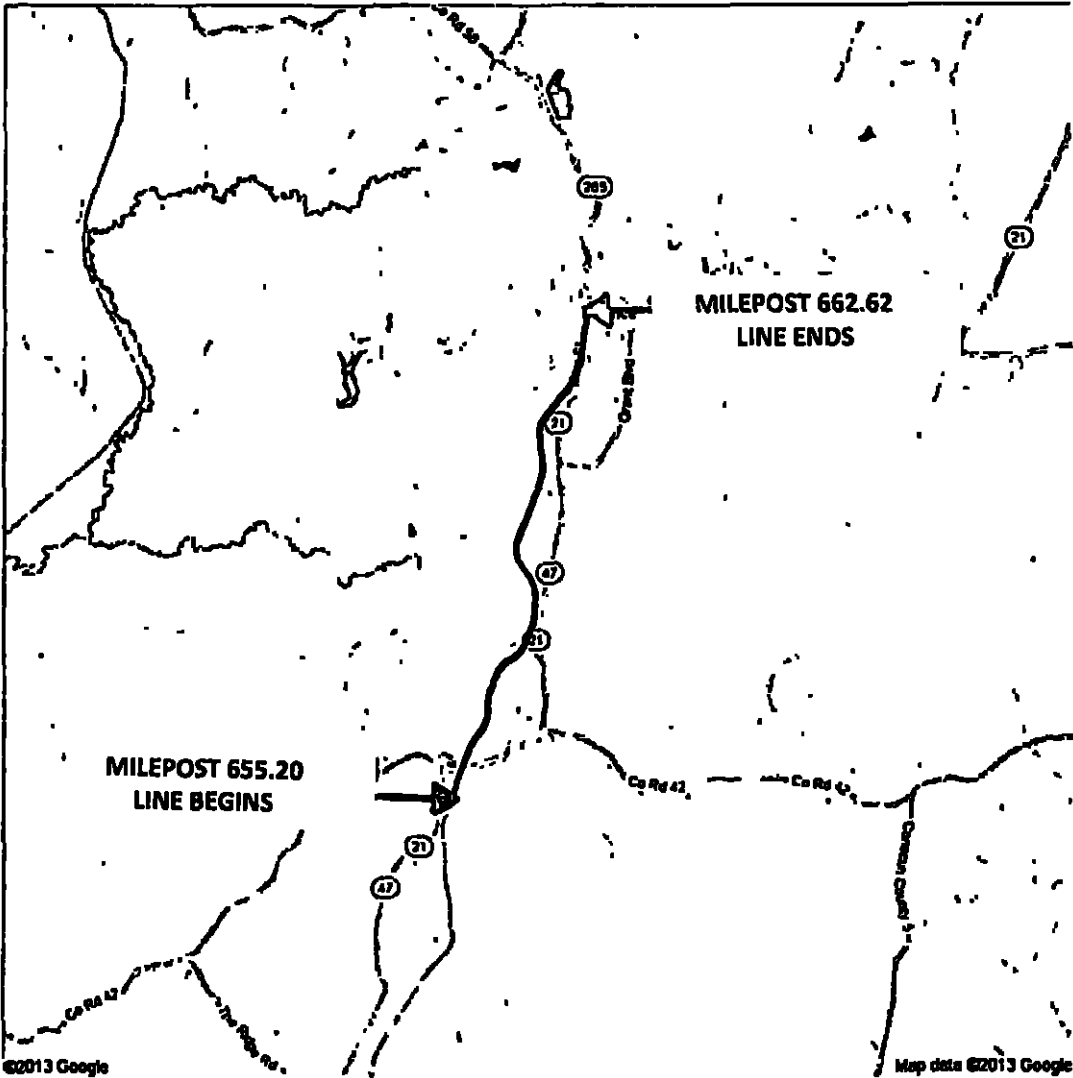
EXHIBIT B

MAP

Google



Get Google Maps on your phone
Text the word "GMAPS" to 466453



**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-463 (Sub-No. 1X)

**ALABAMA RAILROAD CO.
– ABANDONMENT EXEMPTION –
IN MONROE COUNTY, ALABAMA**

EXEMPTION NOTICE

EXHIBIT C

**CERTIFICATIONS OF
SERVICE/PUBLICATION**

Certificate of Service

49 C.F.R. § 1152.50(d)(1) – Notice

I certify that, in accordance with the requirements of 49 C.F.R. § 1152.50(d)(1), I served the following parties with the written notice of intent of Alabama Railroad Co. to use the Board's notice of exemption procedures to abandon approximately 7.42 miles of railroad line located in Monroe county, Alabama

Public Service Commission

Britt Roberts, Director
Public Service Commission of Alabama
Transportation Division
P.O. Box 304260
Montgomery, AL 36130
Telephone: (334) 242-5980

Alabama Department of Transportation
1409 Coliseum Blvd
Montgomery, AL 36110
Telephone: (334) 242-6080

Department of Defense (Military Traffic Management Command, Transportation Engineering Agency, Railroads for National Defense Program)

David Dorfman
SDDC TEA
Railroads for National Defense
709 Ward Dr , Bldg 1990
Scott AFB, IL 62225
Telephone: (618) 220-5741

The National Park Service, Recreation Resources Assistance Division

Charlie Stockman
National Park Service
Rivers & Trails Conservation Program
1201 Eye Street, NW, 9th Floor (Org. Code 2220)
Washington, D.C. 20005
Telephone: (202) 354-6900

U.S. Department of Agriculture, Chief of the Forest Service

Thomas L. Tidwell, Chief

Forest Service

U.S. Department of Agriculture

Sidney R. Yates Federal Building

201 14th Street SW

Washington, DC 20024

March 1, 2013

A handwritten signature in dark ink, appearing to read "R. A. Wimbish", written over a horizontal line.

Robert A. Wimbish


Attorney for Alabama Railroad Co.

Certificate of Publication

49 C.F.R. § 1105.12 – Newspaper Notice

I certify that a "Notice of Intent to Abandon" was published in the form prescribed by the Board for a Notice of Exemption (49 C.F.R. § 1105.12) The notice was published one time in the Monroe Journal (February 21, 2013), a newspaper of general circulation in Monroe County, Alabama, through which the subject rail line proposed for abandonment traverses.

March 1, 2013


Robert A. Wimbish
Attorney for Alabama Railroad Co

--POST-PUBLICATION AFFIDAVIT OF LEGAL NOTICE

STATE OF ALABAMA, MONROE COUNTY

NOTICE OF INTENT TO
ABANDON RAIL SERVICE
STB DOCKET

NO. AB-463 (Sub No. 1X)

Alabama Railroad Co ("ARC") gives notice that on or about March 1, 2013, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption pursuant to 49 CFR 1152 Subpart F - Exempt Abandonments, permitting ARC to abandon approximately 7.42 miles of rail line (the "Line") located in Monroe County, Alabama, extending from milepost 855.2 (east of Route 21, at Tunnel Springs, Alabama) to milepost 862.62 (west of Main Street, in Beatrice, Alabama). The subject Line traverses United States Postal Zip Codes territories 36425 and 36471. The proceeding will be docketed as STB Docket No. AB-463 (Sub No. 1X). The proposed action entails the

abandonment of, and discontinuance of rail service over, the Line. The Board's Office of Environmental Analysis (OEA) generally will prepare an Environmental Assessment (EA), which normally will be available 25 days after the filing of the abandonment notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public. Such comments will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, 395 E Street, SW, Washington, DC 20423 or by calling that office at (202) 245-0295. Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental condi-

tions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails public use, and offers of financial assistance) must be filed directly with the Board's Chief of the Section of Administration, Office of Proceedings, 395 E Street, SW, Washington, DC 20423 [see 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [see 49 CFR

1104.12(a)]. Questions regarding offers of financial assistance, public use, or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0230. Copies of any comments or requests for specific Board action should be served on the applicant's representative William A. Mullins, BAKER & MILLER PLLC, 2401 Pennsylvania Ave., NW, #300, Washington, DC 20037; phone 202-663-7823; fax 202-663-7849 February, 21, 2013c

Before me, a notary public in and for the county and state above listed, personally appeared Kermit Bolton, who, by me duly sworn, deposes and says that:

"My name is Kermit Bolton. I am the publisher of The Monroe Journal."

The Newspaper published the attached legal notice(s) in the issue(s) of February 21, 2013 (dates of publication). The sum charged for publications was \$ 138.60. The sum charged by the Newspaper for said publications does not exceed the lowest classified rate paid by commercial customers for an advertisement of similar size and frequency in the same newspaper(s) in which the public notice(s) appeared.

There are no agreements between the Newspaper and the officer or attorney charged with the duty of placing the attached legal advertising notices whereby any advantage, gain or profit accrued to said officer or attorney.

Kermit Bolton

AFFIANT

Sworn and subscribed this 22 day of February, 2013.

[Signature]

Notary Public

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-463 (Sub-No. 1X)

**ALABAMA RAILROAD CO.
– ABANDONMENT EXEMPTION –
IN MONROE COUNTY, ALABAMA**

EXEMPTION NOTICE

EXHIBIT D

**CERTIFICATION OF COMPLIANCE
WITH ENVIRONMENTAL AND
HISTORIC REPORT REQUIREMENTS**

Certificate of Compliance

49 C.F.R. § 1105.11 – Advance Distribution of Environmental and Historic Report

I hereby certify that, on February 8, 2013, a copy of Alabama Railroad Co.'s Consolidated Environmental and Historic Report (appended hereto as Attachment 1) for the proposed abandonment encompassed by STB Docket No. AB-463 (Sub-No. 1X), along with a transmittal letter conforming to the requirements of 49 C.F.R. § 1105.11, was served upon the following entities as prescribed by 49 C.F.R. §§ 1105.7(b) and 1105.8(c) (a sample copy of the transmittal letters is also appended hereto as part of Attachment 1):

State Clearinghouse

Alabama Department of Transportation
1409 Coliseum Blvd
Montgomery, AL 36110
Telephone: (334) 242-6080

State Environmental Protection Agency

Lance R. LeFleur, Director
Alabama Department of Environmental Management
1400 Coliseum Boulevard
Montgomery, Alabama 36130-1463
Telephone: (334) 271-7710

State Coastal Zone Management

Susan Dingman S/W
Alabama Department of Environmental Management ("ADEM")
4171 Commanders Drive, Attn: Coastal Program
Mobile, Alabama 36615-1421
Telephone: (251) 432-6533

Head of each county &/ or political entity

The Honorable Greg Norris
Judge of Probate & President of Monroe County Commission
P O. Box 8
Monroeville, AL 36461
Telephone: (251) 743 4107

Alan Bishop, Mayor
Town of Beatrice
P O. Box 56
Beatrice, AL 36425
Phone: (251) 789 2363

Regional Office of the Environmental Protection Agency

Gwendolyn Keyes Fleming, Regional Administrator
U.S. Environmental Protection Agency
Region 4 (AL, MS, GA, FL, SC, NC, TN, KY)
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303
Telephone: (404) 562-9900

The US Fish & Wildlife Service

Cindy Dohner, Regional Director
U.S. Fish & Wildlife Service
Region 4 (AL, AR, FL, GA, KY, LA, MS, NC, SC, TN, PR/Virgin Islands)
Century Center
1875 Century Boulevard, Suite 400
Atlanta, GA 30345
Telephone: (404) 679-4000 (Regional Director's Office)

U.S. Fish & Wildlife Service
Daphne Ecological Services Field Office
1208 B Main Street
Daphne, Alabama 36526

U.S. Army Corp of Engineers

Rudy Villarreal
Regulatory Affairs
Inland Team South
U.S. Army Engineer District, Mobile
P.O. Box 2288
Mobile, AL 36628-0001
Telephone: (251) 690-2505

Planning & Environmental Division
U.S. Army Engineer District, Mobile
P.O. Box 2288
Mobile, AL 36628-0001

Real Estate Division
U.S. Army Engineer District, Mobile
P.O. Box 2288
Mobile, AL 36628-0001

The National Park Service

Gordon Wissinger, Acting Regional Director
National Park Service
100 Alabama Street, SW
1924 Building
Atlanta, GA 30303
Telephone (404) 507-5600

Charlie Stockman
Rivers, Trails and Conservation Assistance Program
National Park Service - RTCA Program
1201 Eye St., NW, 9th Floor (Org Code 2240)
Washington, DC 20005
Telephone: (202) 354-6907

Natural Resources Conservation Service

Dr. William Bill Puckett
USDA, Natural Resources Conservation Service
P O Box 311, 3381 Skyway Drive
Auburn, AL 36830
Telephone (334) 887-4500

US Soil Conservation Service

Jason Weller, Chief
USDA, NRCS, Office of the Chief
1400 Independence Ave., SW, Room 5105-A
Washington, DC 20250
Telephone: (202) 720-7246

National Geodetic Survey

Juliana Blackwell, Director
National Geodetic Survey
1315 East-West Highway
Silver Spring, MD 20910-3282
Telephone: (301) 713-3242

State Historic Preservation

Frank W. White
Alabama Historical Commission
468 South Perry Street, P. O. Box 300900
Montgomery, AL 36130-0900
Telephone: (334) 230-2690

Public Service Commission

Britt Roberts, Director
Public Service Commission of Alabama
Transportation Division
P.O. Box 304260
Montgomery, AL 36130
Telephone: (334) 242-5980

Alabama Department of Transportation
1409 Coliseum Blvd
Montgomery, AL 36110
Telephone: (334) 242-6080

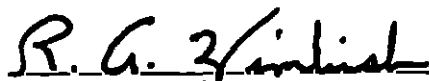
Department of Defense (Military Traffic Management Command, Transportation Engineering Agency, Railroads for National Defense Program)

David Dorfman
SDDC TEA
Railroads for National Defense
709 Ward Dr., Bldg. 1990
Scott AFB, IL 62225
Telephone: (618) 220-5741

The National Park Service, Recreation Resources Assistance Division

Charlie Stockman
National Park Service
Rivers & Trails Conservation Program
1201 Eye Street, NW, 9th Floor (Org. Code 2220)
Washington, D.C. 20005
Telephone: (202) 354-6900

RTCA National Park Service
Atlanta Federal Center
1924 Building
100 Alabama Street, S.W.
Atlanta, Georgia 30303


Robert A. Wimbish
Attorney for Alabama Railroad Co

March 1, 2013

ATTACHMENT 1
ENVIRONMENTAL AND HISTORIC REPORT
INCLUDING SAMPLE TRANSMITTAL LETTER

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-463 (Sub-No. 1X)

**ALABAMA RAILROAD CO.
- ABANDONMENT EXEMPTION -
IN MONROE COUNTY, ALABAMA**

CONSOLIDATED ENVIRONMENTAL AND HISTORIC REPORT

**William A. Mullins
Robert A. Wimbish
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7823
wmullins@bakerandmiller.com**

February 8, 2013

Attorneys for Alabama Railroad Co.

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC

STB Docket No. AB-463 (Sub-No. 1X)

ALABAMA RAILROAD CO.
- ABANDONMENT EXEMPTION -
IN MONROE COUNTY, ALABAMA

CONSOLIDATED ENVIRONMENTAL AND HISTORIC REPORT

In the above-captioned proceeding, Alabama Railroad Co. ("ALAB") intends to abandon approximately 7.42 miles of railroad (hereinafter, the "Line") extending from milepost 655.2 (east of Route 21, at Tunnel Springs, Alabama) to milepost 662.62 (west of Main Street, in Beatrice, Alabama). In accordance with 49 CFR §§ 1105.7 and 1105.8, ALAB hereby submits the following consolidated Environmental and Historic Report ("E&HR" or "Report"):

ENVIRONMENTAL REPORT

(1) PROPOSED ACTION AND ALTERNATIVES

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

ALAB¹ proposes to abandon approximately 7.42 miles of rail line extending from milepost 655.2 (near Tunnel Springs, Alabama) to milepost 662.62 (end of line, near Beatrice, Alabama), located entirely in Monroe County, Alabama. A map delineating the proposed project/abandonment is attached as Exhibit 1. Upon obtaining authority to abandon the Line, ALAB plans to remove the Line's rail and salvageable track material (such as tie plates, fasteners, crossties, and, possibly, the upper layer of ballast), and will dispose of the underlying real estate comprising the Line's right-of-way to the extent it is held in fee by ALAB.

The Line has been out of service for over two years, and ALAB may therefore avail itself

¹ ALAB is among 17 Class III railroads commonly controlled by Pioneer Railcorp ("Pioneer"). See Pioneer Railcorp - Continuance in Control Exemption - Georgia Southern Railway Co., STB Finance Docket No. 35323 (STB served December 2, 2009). ALAB was acquired by Pioneer Railcorp in 1991. See Pioneer Railcorp Co., Inc. - Continuance in Control Exemption - Alabama Railroad Co., STB Finance Docket No. 31944 (STB served October 10, 1991).

of the abandonment provisions at 49 CFR part 1152, subpart F (Exempt Abandonments. *et al.*).

ALAB does not intend as part of the salvage and/or re-deployment of rail and track material to disturb the sub-grade or sub-grade structures, and it will not engage in any excavation or other soil/ground disturbance activities. Abandonment and the resultant salvage of the Line will eliminate 12 at-grade rail-highway crossings – 5 private crossings, and 7 public crossings.

The only alternative to abandonment would be for ALAB not to abandon the Line, and instead to retain it. ALAB would in so doing incur losses associated with the ownership of unused rail assets. The no-action alternative, in which the rail assets would remain in place, would frustrate ALAB's and, by extension, Pioneer's plans to extract value from otherwise unused assets, and, as appropriate, to re-deploy certain of the Line's rail assets on other Pioneer-controlled railroads. The no-action alternative would also force at-grade rail-highway crossing surface improvement costs upon ALAB and/or the surrounding communities.

(2) TRANSPORTATION SYSTEM

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

The Line has had no freight traffic for over two years, and, for this reason, the proposed abandonment will not affect regional or local transportation systems/patterns. No passenger or freight traffic would be diverted to other systems or modes as a result of the proposed action.

(3) LAND USE

- (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

ALAB believes that the proposed abandonment is consistent with, and would promote, existing land use plans. The land adjoining the Line consists of rural open lands (fields), rolling hills, and forested areas.

By letters dated February 8, 2013, copies of this Report have been mailed to the appropriate local and state contacts, including The Honorable Greg Norris (Judge of Probate & President of the Monroe County Commission) and Alan Bishop (Mayor for the Town of Beatrice). See E&HR Consultation Letter Example and Service List, attached as Exhibit 2.

- (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

ALAB does not believe that the proposed abandonment would adversely affect any prime agricultural land. As indicated above, the land through which the Line traverses includes flat terrain and rolling hills. Furthermore, the proposed abandonment should not in any way contribute to farmland loss, and could in fact permit the abandoned right-of-way to be converted, where practicable, to farmland use. Nevertheless, ALAB has notified the United States

Department of Agriculture's Natural Resources Conservation Service of the proposed abandonment by letter dated February 8, 2013 to which letter this E&HR was appended), soliciting input on the proposed abandonment's potential effects on prime agricultural land. See E&HR Consultation Letter Example and Service List, attached as Exhibit 2.

- (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9.

ALAB has consulted with Susan Dingman of the Alabama Department of Environmental Management's Coastal Program ("ADEMCP"), and has determined that the proposed abandonment would not be subject to review under the state's coastal zone management plan. Nevertheless, to assure compliance with the requirements of 49 CFR § 1105.9, ALAB has served a copy of this Report on ADEMCP by letter dated February 8, 2013. See E&HR Consultation Letter Example and Service List, attached as Exhibit 2.

- (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 19 U.S.C. 10905 and explain why.

ALAB believes that the Line might be suitable for alternate public use. For example, the Line's right-of-way might be suited for use as a recreational trail.

(4) ENERGY

- (i) Describe the effect of the proposed action on transportation of energy resources.

There has been no local or overhead traffic on the Line in at least two years, and, for this reason, the proposed abandonment will have no effect on the transportation of energy resources.

- (ii) Describe the effect of the proposed action on recyclable commodities.

Because there has been no rail common carrier transportation provided over the Line for at least two years, the proposed abandonment should have no effect on the transportation and/or recovery of recyclable commodities.

- (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

Because there has been no rail common carrier transportation provided over the Line for at least two years, the abandonment should have no effect on overall energy usage.

- (iv) If the proposed action will cause diversions from rail to motor carriage of more than:
 - (A) 1,000 rail carloads a year; or
 - (B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to

arrive at the figure given.

No traffic will be diverted to motor carriers as a result of the proposed abandonment, and, by extension, there will be no traffic diversions that would exceed the thresholds stated above

(5) AIR

- (i) If the proposed action will result in either:
 - (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or
 - (B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or
 - (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. 10901 (or 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in sub-section (5)(i)(A) will apply.

The above thresholds will not be exceeded

- (ii) If the proposed action affects a class I or non-attainment area under the Clean Air Act, and will result in either:
 - (A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,
 - (B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or
 - (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, the state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction 49 U.S.C. 10901 (or 49 U.S.C. 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

Based upon 40 CFR § 81.301, ALAB believes that Monroe County is *not* designated as a non-attainment area, and that the above-stated thresholds are therefore inapplicable. Nevertheless, the above thresholds will not be exceeded

- (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills, contingency plans to deal with accidental spills; and the likelihood of an

accidental release of ozone depleting materials in the event of a collision or derailment.

Not applicable

(6) NOISE

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

- (i) An incremental increase in noise levels of three decibels Ldn or more; or
- (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

None of the thresholds in item 5(i) of this section will be exceeded.

(7) SAFETY

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

The proposed abandonment of a long-out-of-service rail line should have no material adverse impact on public health and safety. In fact, once the subject abandonment notice of exemption takes effect and the Line is salvaged, ALAB will close permanently 7 public road crossings and 5 private crossings, thereby enhancing roadway safety by facilitating safer driving conditions, and eliminating distractions to vehicular traffic crossing the Line.

- (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

No hazardous materials are expected to be transported, and, indeed, no freight traffic has moved over the Line in more than two years.

- (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way; identify the location of those sites and the types of hazardous materials involved.

ALAB has no knowledge of hazardous waste sites or sites where there have been known hazardous materials spills on the Line's right-of-way or on adjacent land.

(8) BIOLOGICAL RESOURCES

- (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

ALAB does not believe that the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat. ALAB has notified the regional office of the U.S. Fish and Wildlife Service ("USF&W") in an effort to determine whether the proposed abandonment will adversely affect endangered or threatened species or areas designated as critical habitat. A copy of this Report was attached to the letter sent to USF&W. See E&HR Consultation Letter Example and Service List, attached as Exhibit 2.

ALAB's proposed rail salvage activities would take place upon existing ALAB right-of-way. Access to ALAB's right-of-way for purposes of any salvage activity would be accomplished via the right-of-way itself, and/or via existing public and/or private grade crossings. The proposed abandonment and anticipated track salvage would not require the creation of new access points to the Line, and would not involve removal of trees or other wildlife habitat on lands adjacent to the existing railroad right-of-way.

- (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

Based on investigation, ALAB is unaware of any wildlife sanctuaries or refuges, National or State parks or forests that would be adversely affected by the proposed abandonment. Nevertheless, ALAB has notified the National Park Service ("NPS") of the proposed abandonment. A copy of this Report was attached to the letter sent to NPS. See E&HR Consultation Letter Example and Service List, attached as Exhibit 2.

(9) WATER

- (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

ALAB is confident that the proposed abandonment will be consistent with applicable water quality standards. ALAB has contacted the Alabama Department of Environmental Management ("ADEM") and the United States Environmental Protection Agency ("USEPA") by letters dated February 8, 2013. A copy of this report was attached to each of the letters. See E&HR Consultation Letter Example and Service List, attached as Exhibit 2.

As indicated above, ALAB anticipates that, following the effective date of the subject abandonment notice of exemption, it will engage in the removal of the Line's track and track material. Any such track salvage activities will take place above the surface of the ground, and, thus, salvage will not involve any excavation, grading, or other ground or soil disturbance. As a result, the proposed abandonment will not trigger the need for any storm water mitigation, including a National Pollutant Discharge Elimination System ("NPDES") permit.

- (ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are

required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

ALAB believes that – (1) no permits under section 404 of the Clean Water Act will be required for the proposed abandonment, and (2) no designated wetlands or 100-year flood plains will be affected. Upon receiving abandonment authority, removal of track material will be accomplished by use of the right-of-way for access, along with access via existing public and private crossings as necessary. No new access roads will be created for purposes of track salvage. ALAB will not disturb any of the Line's underlying roadbed, nor will it undertake any ground disturbance activities that would cause sedimentation or erosion of the soil (such as excavation or grading), and ALAB does not anticipate any dredging or use of fill in the removal of the track material. Moreover, ALAB does not anticipate undertaking any salvage activity that would disturb streams, streambeds, or wetlands. The crossties and/or other debris associated with salvage, if removed, will be transported away from the Line, and will not be discarded along the right-of-way. Such materials will not be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways. For these reasons, ALAB believes that a permit under Section 404 of the Clean Water Act will not be required.

ALAB has contacted the U.S. Army Corps of Engineers –by letter dated February 8, 2013. A copy of this Report was attached to the letter. See E&HR Consultation Letter Example and Service List, attached as Exhibit 2.

- (iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.

ALAB believes that no permit under section 402 of the Clean Water Act would be required for the abandonment. (See discussion in section 9 (i) and (ii), above.) Nevertheless, ALAB has contacted the ADEM and the USEPA by letter dated January __, 2013, seeking guidance on any potential water quality impacts (based on applicable water quality standards) and in determining whether the proposed abandonment is consistent with such federal, state, or local standards. A copy of this report was attached to the letter. See E&HR Consultation Letter Example and Service List, attached as Exhibit 2.

(10) PROPOSED MITIGATION

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

ALAB does not expect any adverse environmental impact will result from the proposed abandonment and, therefore, is of the opinion that mitigating action is unnecessary. ALAB will, of course, cooperate in any further evaluation of proposed remedial/mitigation actions which interested federal, state, and/or local agencies may recommend to the Board.

(11) ADDITIONAL INFORMATION FOR RAIL CONSTRUCTIONS

Not applicable

HISTORIC REPORT

49 CFR § 1105.8(d):

- (1) A.U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action;

Topographic maps depicting the location of the Line slated for abandonment and the location of structures that are believed to be 50 years old or older and that are located along the Line are attached as Exhibit 3. These maps are being supplied to the Alabama Historical Commission ("AHC") as part of a complete copy of this report. ALAB understands that there are four extant railroad structures on the Line that may be 50 years old or older, three bridges² and a tunnel.

- (2) A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;

According to ALAB records, the Line's right-of-way is predominantly 100 feet in width. The Line runs adjacent to lands of varying uses, ranging from forested open land to rural farmland. The topography is generally flat, with some rolling hills.

- (3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

ALAB has determined that there are four extant or railroad structures along the Line – one tunnel and three bridges – that may be 50 years old or older. The approximate location of each such structure is shown on the U.S.G.S. maps attached as Exhibit 3.³ The tunnel is located at/near milepost 657.2. The three extant bridges along the Line are as follows: (1) a roughly 229' wooden span at milepost 658.8; (2) a 46'7" wooden span at milepost 659.8; and, (3) a 70'10" wooden span at milepost 661.0. ALAB has photographed and documented each of these

² Although this Report includes discussion of three railroad bridges, in the interest of full disclosure, there was once another railroad bridge located along the Line, Bridge 38 at MP 658.5, which was burned (and completely destroyed) by vandals well over 2 years ago. This Report does, however, include photographs of the location of this destroyed bridge.

³ ALAB has no records permitting it to confirm definitively that the three remaining bridges are indeed 50 years old or older. Based on construction, design, and current condition, however, ALAB is of the opinion that the bridges are most likely at least 50 years old.

structures, and has supplied original photographs of each such structure to AHC for evaluation. (Copies of the aforementioned photographs are attached hereto as Exhibit 4.) Aside from the materials included in Exhibit 4, ALAB does not have any additional information in its possession (such as engineering diagrams or other records) that it believes would be useful in aiding in any historical structures analysis.

ALAB does not anticipate removing or dismantling any of the bridges, and it has no plans to alter or remove the tunnel

- (4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known;

According to the limited information in ALAB's possession, the three extant bridges along the Line and the tunnel are believed to have been built at least 50 years ago. ALAB does not know when these bridges or the tunnel were built, and has no construction or engineering records that could aid in determining likely construction dates. ALAB has not undertaken any major improvements to these bridges or the tunnel during the term of ALAB's ownership

- (5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;

The Line that is the subject of this abandonment proceeding constitutes the northernmost 7.42 miles of a stub-ended branch line currently extending from Flomaton, Alabama (and a connection there with CSXT) at its southern end to Beatrice, Alabama, at its northern end. In 1991, CSX Transportation, Inc. ("CSXT") sold the then roughly 61-mile long branch line (which, at that time, extended from Flomaton to Corduroy, Alabama) to the Wabash and Grand River Railway Co. ("WGRR").⁴ Later that same year, WGRR sold the entire branch to ALAB,⁵ with ALAB's corporate parent, Pioneer Railcorp, simultaneously obtaining regulatory authority to control ALAB as the newest addition to its short line family.⁶ In 1995, ALAB abandoned the northern portion of the branch from milepost 662.62 at Beatrice to milepost 666.3 at Corduroy,⁷ thereby resulting in the current branch line configuration.

Aside from the more recent ownership history supplied above, ALAB has no historical records of its own relating to the Line. But, based upon initial research, the subject Line appears to have been constructed as the Pensacola & Selma Railroad ("PSR"), which thereafter became a part of the Louisville & Nashville Railroad ("L&N"). L&N, in turn, ultimately became a part of CSXT. The original PSR line proceeded north from Corduroy to Selma, Alabama. The

⁴ Wabash & Grand River Railway Co. - Acquisition and Operation Exemption - CSX Transportation, Inc., Line Between Flomaton and Corduroy, AL, STB Finance Docket No. 31868 (STB served September 17, 1991).

⁵ Alabama Railroad Co. - Acquisition and Operation Exemption - Wabash & Grand River Railway, STB Finance Docket No. 31943 (STB served October 10, 1991).

⁶ Pioneer Railcorp Co., Inc. - Continuance in Control Exemption - Alabama Railroad Co., STB Finance Docket No. 31944 (STB served October 10, 1991).

⁷ Alabama Railroad Co. - Abandonment Exemption - In Monroe County, AL, STB Finance Docket No. AB-463X (STB served December 1, 1995).

Corduroy-Selma portion of the original PSR was abandoned prior to 1986. Another portion of the original PSR route north of Peterman, Alabama, was abandoned in approximately 1994.

ALAB intends, upon the effectiveness of the abandonment exemption, to terminate its rail common carrier obligation over, and to abandon, the Line. ALAB would salvage the rail and track material that possesses positive net salvage value, and potentially may opt to re-deploy salvaged items on other Pioneer-controlled rail lines. ALAB does not intend to dismantle or remove any bridges along the Line or to demolish the tunnel. The right-of-way will either be disposed of or the easements will be relinquished (to the extent ALAB does not own in fee any portion of the subject right-of-way), or the corridor may be preserved under an interim trail use arrangement.

- (6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;

ALAB is one of many owners of the subject rail assets. ALAB was not supplied with, and does not have, engineering drawings of the aforementioned bridges or tunnel. The only relevant documents in ALAB's possession have been included in Exhibit 4.

- (7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

As indicated above, ALAB's records indicate that there are four extant structures (three bridges and one tunnel) on or adjacent to the Line that may be 50 years old or older. In ALAB's opinion, these structures would not meet the criteria for listing on the National Register of Historic Places. As the photographs supplied to AHC suggest, none of the subject structures appears to have unique or otherwise significant design characteristics. Moreover, none of these structures is linked to events or historic significance. ALAB understands that remaining bridges in question could be used in the event that the Line's right-of-way was to be converted into recreational trail. And, again, ALAB has no plans to remove or alter any of the bridges or the tunnel located along the line (aside from possibly removing the rail and other track material located upon or along the structures).

ALAB is unaware of any archeological resources or any other previously unknown historic properties on the Line's right-of-way.

- (8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic waste), and the surrounding terrain.

ALAB has no records of, and is unaware of, any known subsurface ground disturbance or fill, or environmental conditions that might affect the recovery of archeological resources.

Undoubtedly, track work and/or construction had occurred regularly over the many years that the Line has been in operation. Such work may have affected the potential for recovery of archeological resources

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-463 (Sub-No. 1X)

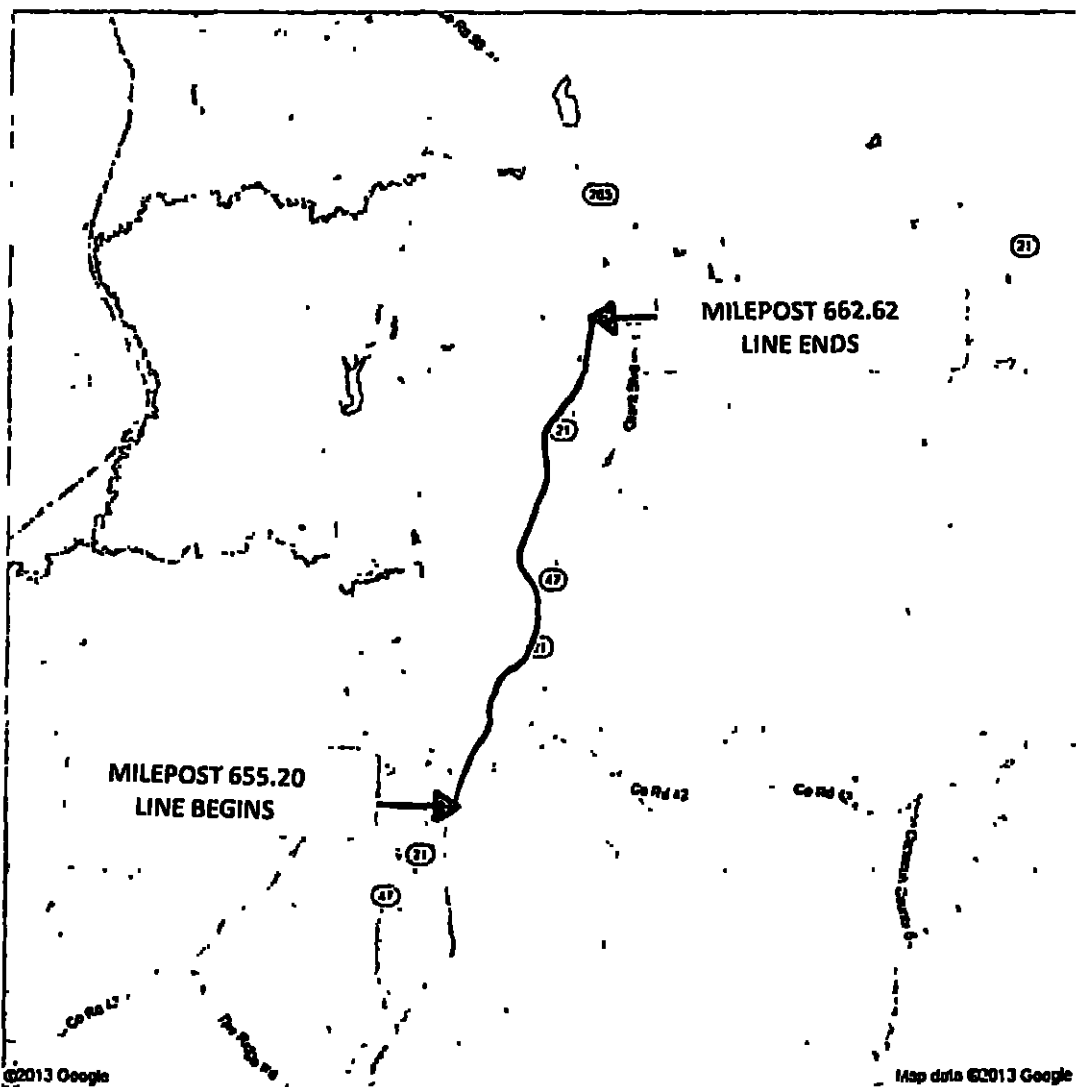
**ALABAMA RAILROAD CO.
- ABANDONMENT EXEMPTION -
IN MONROE COUNTY, ALABAMA**

CONSOLIDATED ENVIRONMENTAL AND HISTORIC REPORT

EXHIBIT 1 - LOCATION MAP

Google

Get Google Maps on your phone
Text the word "GMAPS" to 466453



**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-463 (Sub-No. 1X)

**ALABAMA RAILROAD CO.
– ABANDONMENT EXEMPTION –
IN MONROE COUNTY, ALABAMA**

CONSOLIDATED ENVIRONMENTAL AND HISTORIC REPORT

EXHIBIT 2 – CONSULTATION LETTER [EXAMPLE] AND SERVICE LIST

BAKER & MILLER PLLC

ATTORNEYS AND COUNSELLORS

2401 PENNSYLVANIA AVENUE NW
SUITE 300
WASHINGTON, DC 20037

TELEPHONE (202) 663-7820

FACSIMILE (202) 663-7849

ROBERT A. WINBISH

(202) 663-7824 (Direct Dial)
E-Mail: ra-wbisha@bakerandmiller.com

February 8, 2013

Thomas L. Tidwell, Chief
Forest Service
U.S. Department of Agriculture
Sidney R. Yates Federal Building
201 14th Street SW
Washington, DC 20024

RE: *Alabama Railroad Co. - Abandonment Exemption - In Monroe County,
AL.* STB Docket No. AB-463 (Sub-No. 1X)

Dear Chief Tidwell:

On or about March 1, 2013, Alabama Railroad Co. ("ALAB") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption pursuant to 49 C.F.R. Part 1152, Subpart F (Exempt Abandonments, et al.), in which ALAB will seek to abandon approximately 7.42 miles of rail line located in Monroe County, Alabama. The subject rail line proposed for abandonment (the "Line") extends from milepost 655.2 (east of Route 21, at Tunnel Springs, Alabama) to milepost 662.62 (west of Main Street, in Beatrice, Alabama). The Line traverses United States Postal Zip Code territories 36425 and 36471.

Attached is a consolidated Environmental and Historic Report (the "E&HR" or "Report") describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. We are providing you with this Report so that you may review the information that will form the basis for the STB's independent environmental analysis of the proposed rail line abandonment. If any of the information in the attached E&HR is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Office of Environmental Analysis ("OEA"), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001, TEL: (202) 245-0295, and refer to STB Docket No. AB-463 (Sub-No. 1X). You may also contact the undersigned counsel for ALAB. Because statutes and regulations applicable to rail line abandonments impose stringent deadlines for processing this action, your written comments to OEA, if any, would be appreciated within 3 weeks. As undersigned counsel for ALAB, I

Thomas L. Tidwell, Forest Service, U.S. Department of Agriculture

February 8, 2013

Page 2

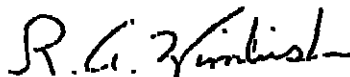
would appreciate a copy of any comments you may file.

Your comments will be considered by the STB in evaluating the environmental and/or historic impacts of the contemplated action. To the extent such a comment is received before ALAB files this Notice of Exemption, your feedback will be included in ALAB's Report filed with the STB. If ALAB receives a copy of your comments after filing its Notice of Exemption and this accompanying Report, it will ensure the STB is made aware of your comment.

As noted in the E&H R, ALAB does not anticipate that the proposed abandonment will result in any adverse environmental or historic impacts. Furthermore, based on information in our possession, the Line does not contain federally-granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it. Unless you respond otherwise, we will assume you concur with ALAB's judgment that the proposed abandonment will not result in any adverse environmental or historic impacts.

If there are any questions concerning this inquiry, please contact me, ALAB's representative, by mail at: Robert A. Wimbish, Baker & Miller, PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037, by FAX: (202) 663-7849, by e-mail: rwimbish@bakerandmiller.com; or by TEL: (202) 663-7824.

Sincerely,



Robert A. Wimbish
Counsel for Alabama Railroad Co.

Enclosure

EXHIBIT 2

**STB Docket No. AB-463 (Sub-No. IX)
SERVICE LIST pursuant to 1105.7**

State Clearinghouse

Alabama Department of Transportation
1409 Coliseum Blvd
Montgomery, AL 36110
Telephone. (334) 242-6080

State Environmental Protection Agency

Lance R. LeFleur, Director
Alabama Department of Environmental Management
1400 Coliseum Boulevard
Montgomery, Alabama 36130-1463
Telephone. (334) 271-7710

State Coastal Zone Management

Susan Dingman S/W
Alabama Department of Environmental Management ("ADEM")
4171 Commanders Drive, Attn: Coastal Program
Mobile, Alabama 36615-1421
Telephone: (251) 432-6533

Head of each county &/ or political entity

The Honorable Greg Norris
Judge of Probate & President of Monroe County Commission
P.O. Box 8
Monroeville, AL 36461
Telephone: (251) 743 4107

Alan Bishop, Mayor
Town of Beatrice
P.O. Box 56
Beatrice, AL 36425
Phone: (251) 789 2363

Regional Office of the Environmental Protection Agency

Gwendolyn Keyes Fleming, Regional Administrator
U.S. Environmental Protection Agency
Region 4 (AL, MS, GA, FL, SC, NC, TN, KY)
Sam Nunn Atlanta Federal Center

EXHIBIT 2

61 Forsyth Street, SW
Atlanta, GA 30303
Telephone (404) 562-9900

The US Fish & Wildlife Service

Cindy Dohner, Regional Director
U.S. Fish & Wildlife Service
Region 4 (AL, AR, FL, GA, KY, LA, MS, NC, SC, TN, PR/Virgin Islands)
Century Center
1875 Century Boulevard, Suite 400
Atlanta, GA 30345
Telephone (404) 679-4000 (Regional Director's Office)

U.S. Fish & Wildlife Service
Daphne Ecological Services Field Office
1208 B Main Street
Daphne, Alabama 36526

U.S. Army Corp of Engineers

Rudy Villarreal
Regulatory Affairs
Inland Team South
U.S. Army Engineer District, Mobile
P O Box 2288
Mobile, AL 36628-0001
Telephone (251) 690-2505

Planning & Environmental Division
U.S. Army Engineer District, Mobile
P.O. Box 2288
Mobile, AL 36628-0001

Real Estate Division
U.S. Army Engineer District, Mobile
P.O. Box 2288
Mobile, AL 36628-0001

The National Park Service

Gordon Wissinger, Acting Regional Director
National Park Service
100 Alabama Street, SW
1924 Building

EXHIBIT 2

Atlanta, GA 30303
Telephone: (404) 507-5600

Charlie Stockman
Rivers, Trails and Conservation Assistance Program
National Park Service
RTCA Program
1201 Eye St. NW, 9th Floor (Org Code 2240)
Washington, DC 20005
Telephone: (202) 354-6907

Natural Resources Conservation Service

Dr. William Bill Puckett
USDA, Natural Resources Conservation Service
P.O. Box 311
3381 Skyway Drive
Auburn, AL 36830
Telephone: (334) 887-4500

US Soil Conservation Service

Jason Weller, Chief
USDA, NRCS, Office of the Chief
1400 Independence Ave., SW, Room 5105-A
Washington, DC 20250
Telephone: (202) 720-7246

National Geodetic Survey

Juliana Blackwell, Director
National Geodetic Survey
1315 East-West Highway
Silver Spring, MD 20910-3282
Telephone: (301) 713-3242

State Historic Preservation

Frank W. White
Alabama Historical Commission
468 South Perry Street
P. O. Box 300900
Montgomery, AL 36130-0900
Telephone: (334) 230-2690

EXHIBIT 2

Advance Notice Contacts Service List pursuant to 1152.50

Public Service Commission

Britt Roberts, Director
Public Service Commission of Alabama
Transportation Division
P.O. Box 304260
Montgomery, AL 36130
Telephone: (334) 242-5980

Alabama Department of Transportation
1409 Coliseum Blvd
Montgomery, AL 36110
Telephone: (334) 242-6080

Department of Defense (Military Traffic Management Command, Transportation Engineering Agency, Railroads for National Defense Program)

David Dorfman
SDIOC TEA
Railroads for National Defense
709 Ward Dr., Bldg. 1990
Scott AFB, IL 62225
Telephone: (618) 220-5741

The National Park Service, Recreation Resources Assistance Division

Charlie Stockman
National Park Service
Rivers & Trails Conservation Program
1201 Eye Street, NW, 9th Floor (Org. Code 2220)
Washington, D.C. 20005
Telephone: (202) 354-6900

RTCA National Park Service
Atlanta Federal Center
1924 Building
100 Alabama Street, S.W.
Atlanta, Georgia 30303

EXHIBIT 2

U.S. Department of Agriculture, Chief of the Forest Service

Thomas L. Tidwell, Chief
Forest Service
U.S. Department of Agriculture
Sidney R. Yates Federal Building
201 14th Street SW
Washington, DC 20024
Telephone (202) 205-8439

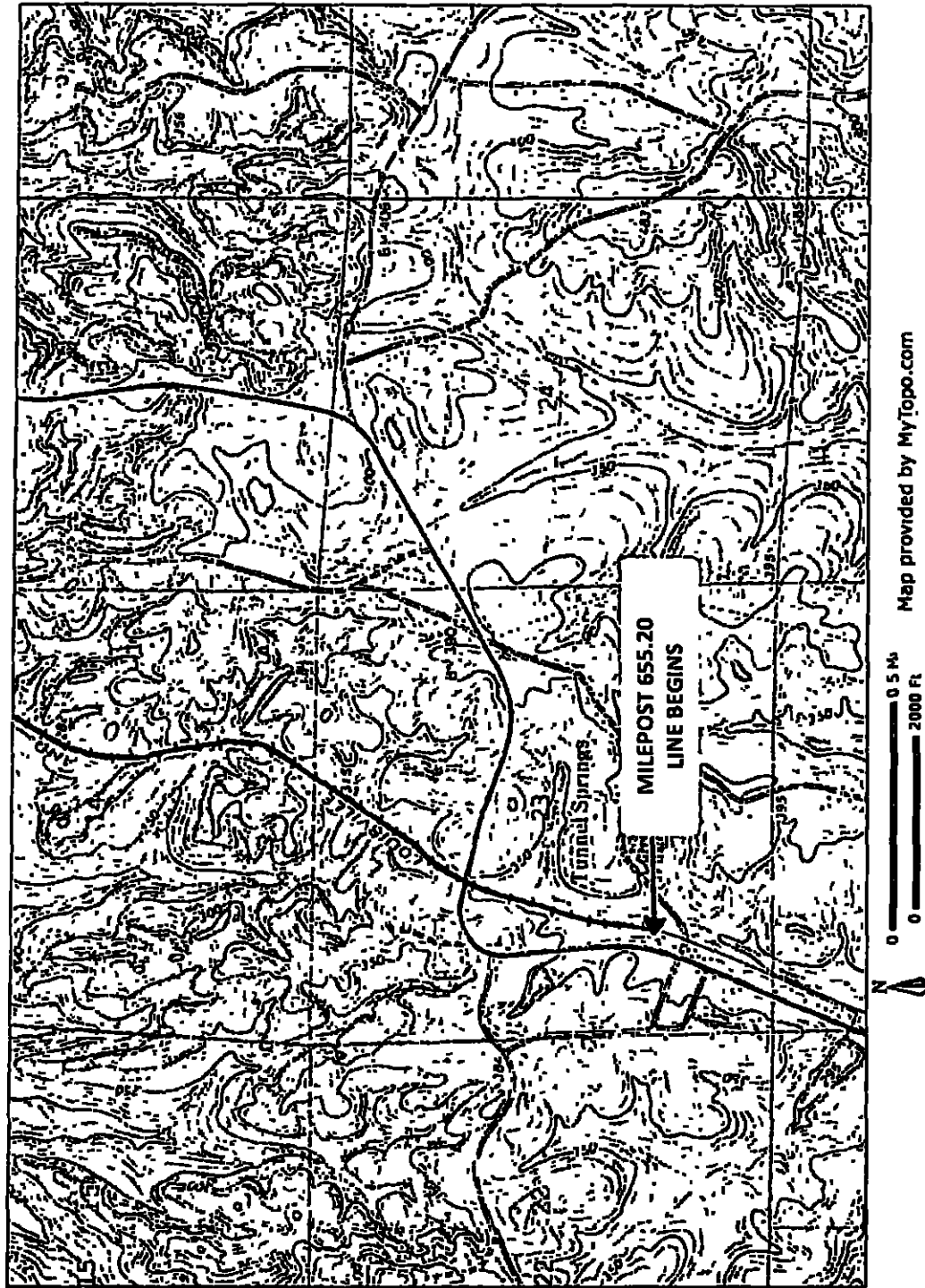
**BEFORE THE
SURFACE TRANSPORTATION BOARD
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STB Docket No. AB-463 (Sub-No. 1X)

**ALABAMA RAILROAD CO.
- ABANDONMENT EXEMPTION -
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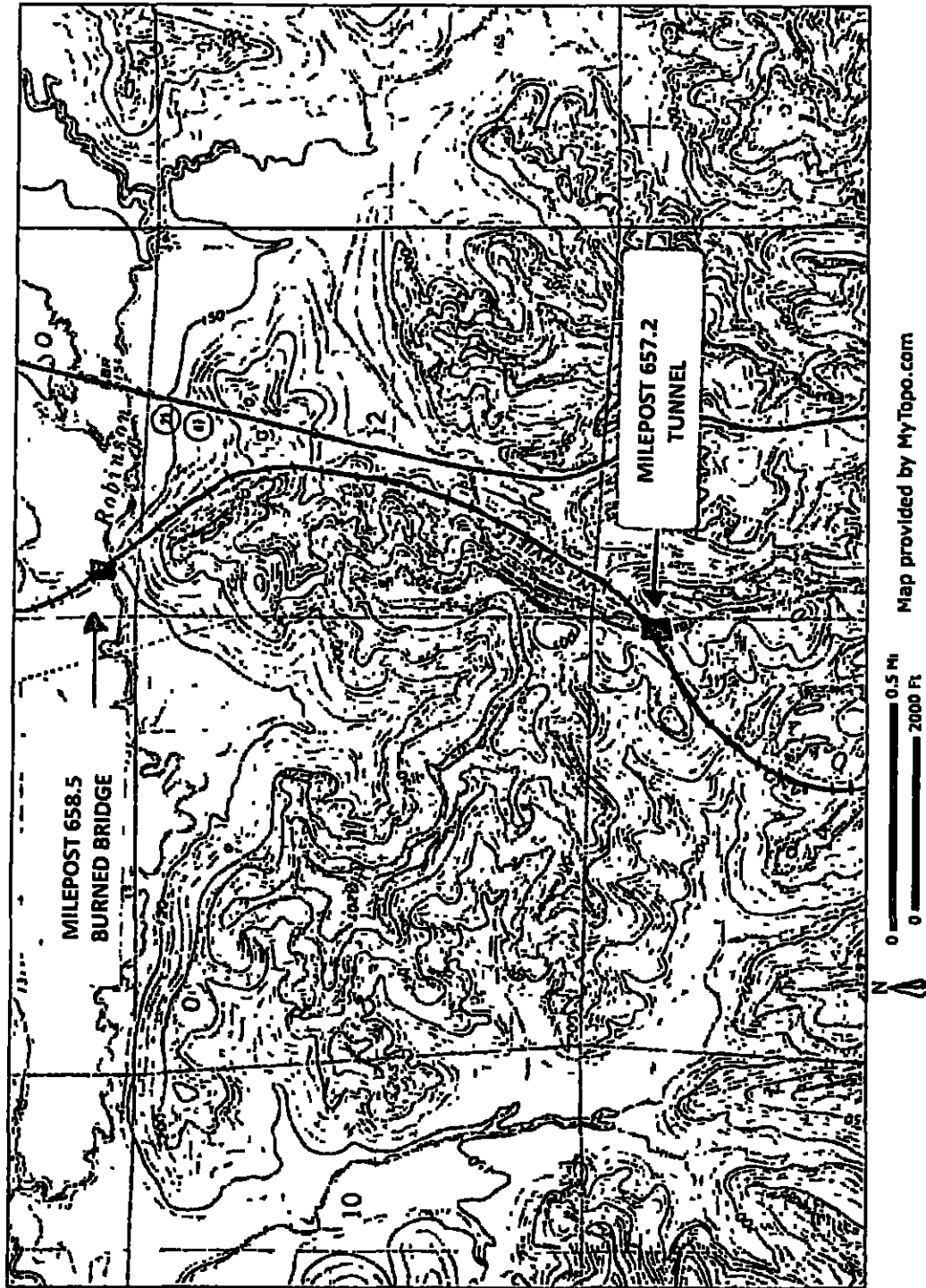
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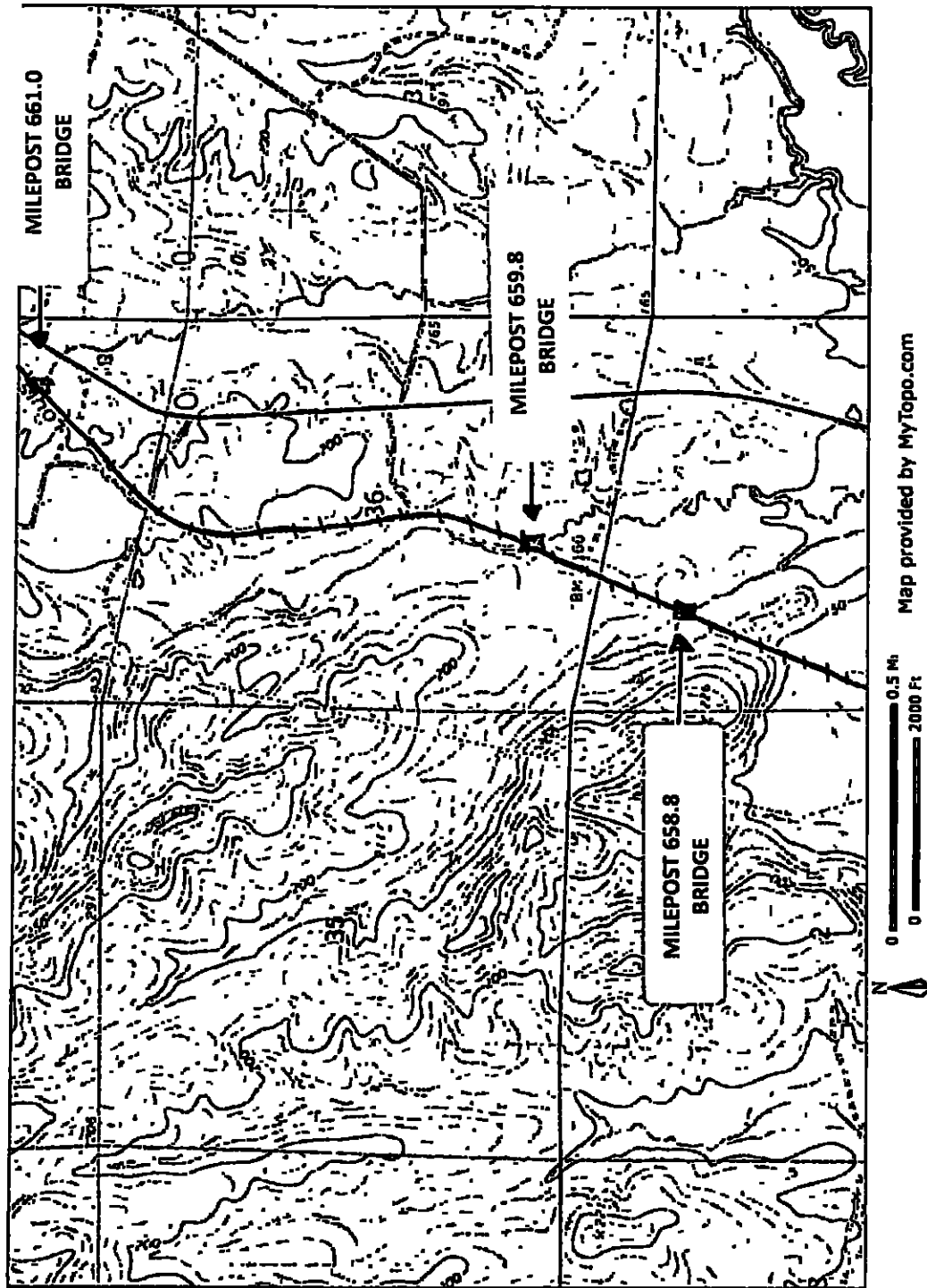
EXHIBIT 3 - U.S.G.S TOPOGRAPHIC MAPS

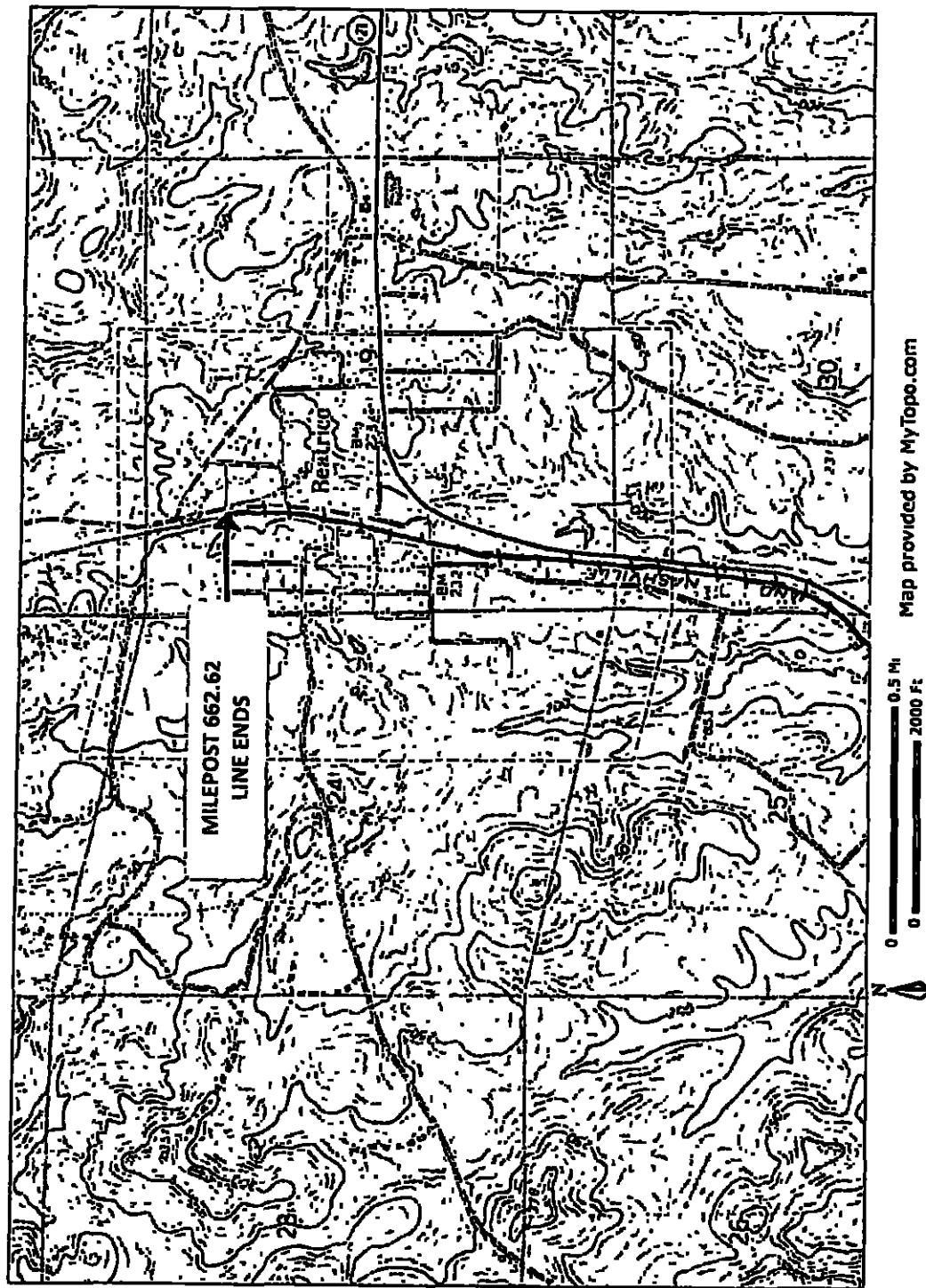


Map provided by MyTopo.com

EXHIBIT 3-1







Map provided by MyTopo.com

EXHIBIT 3-4

**BEFORE THE
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WASHINGTON, DC**

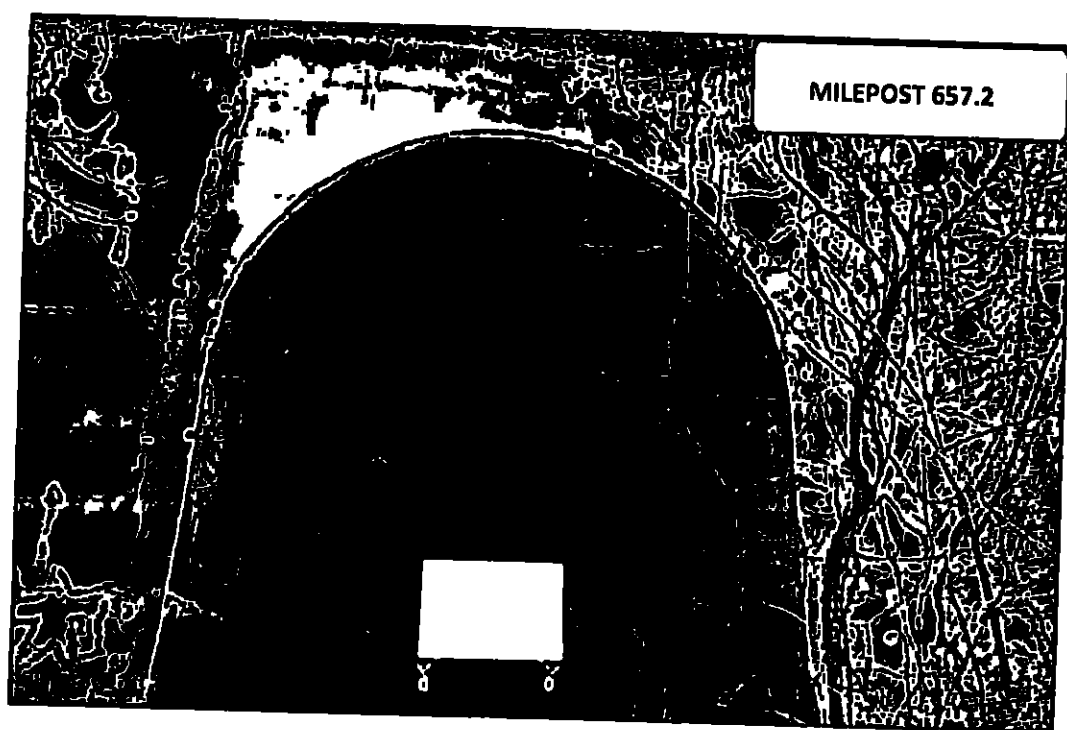
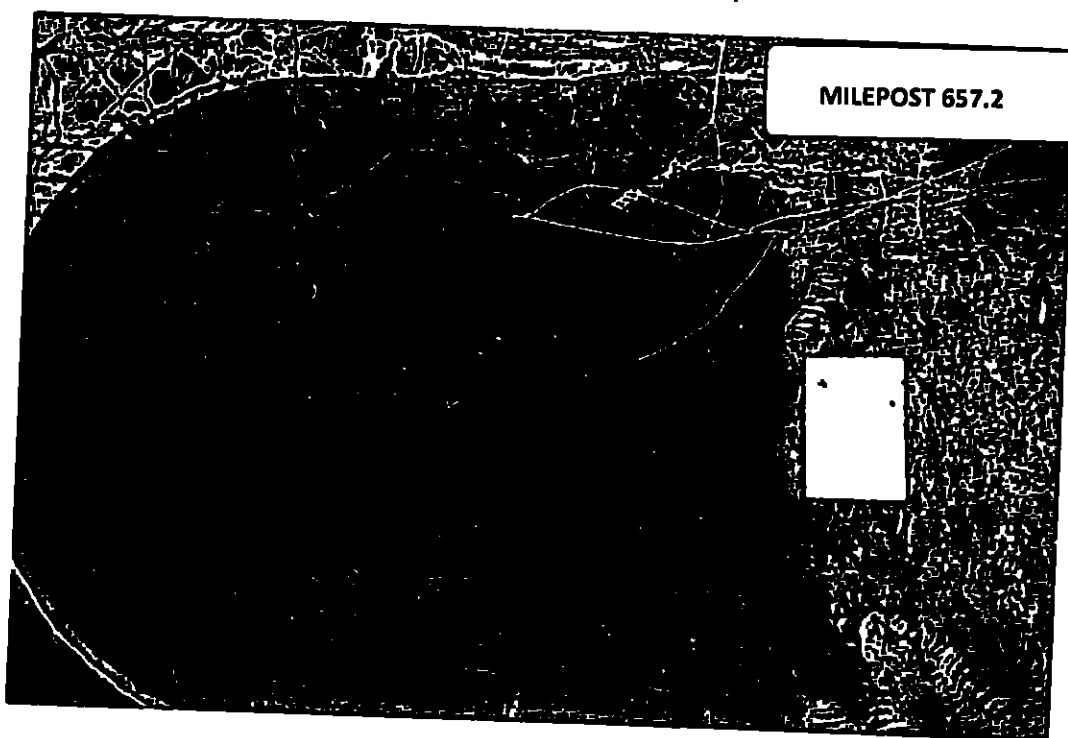
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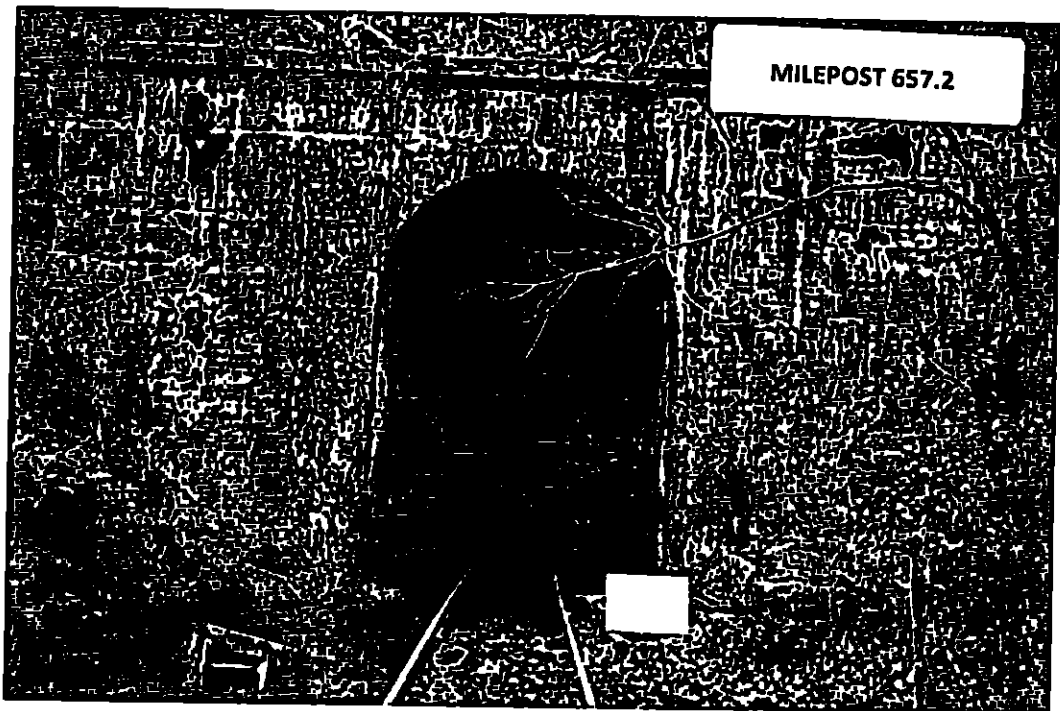
**ALABAMA RAILROAD CO.
- ABANDONMENT EXEMPTION -
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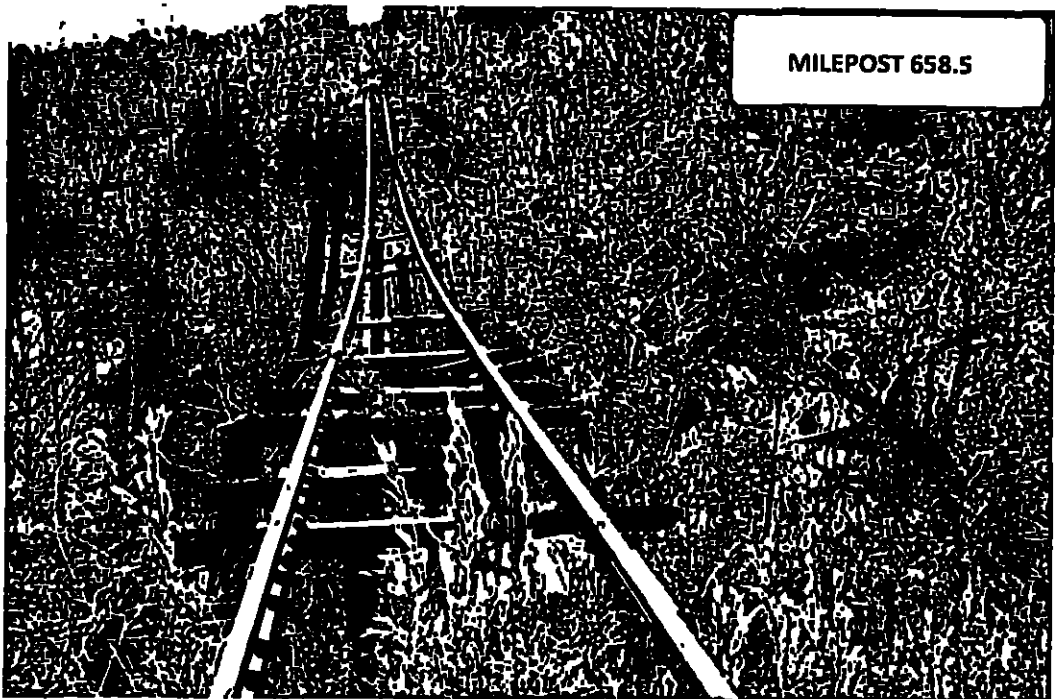
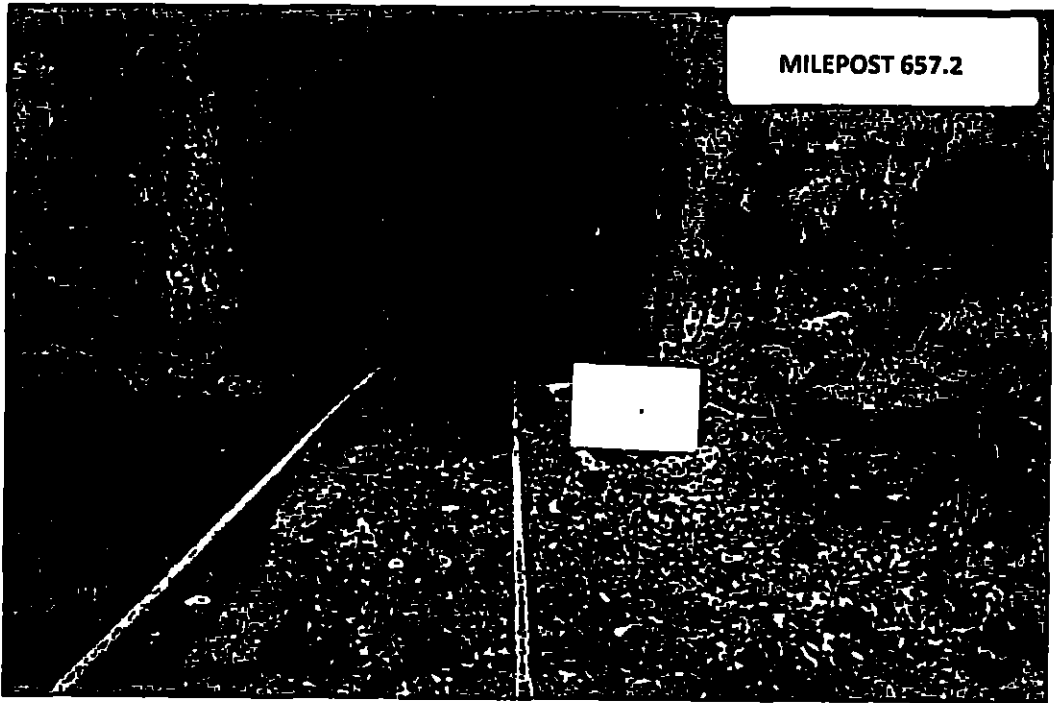
CONSOLIDATED ENVIRONMENTAL AND HISTORIC REPORT

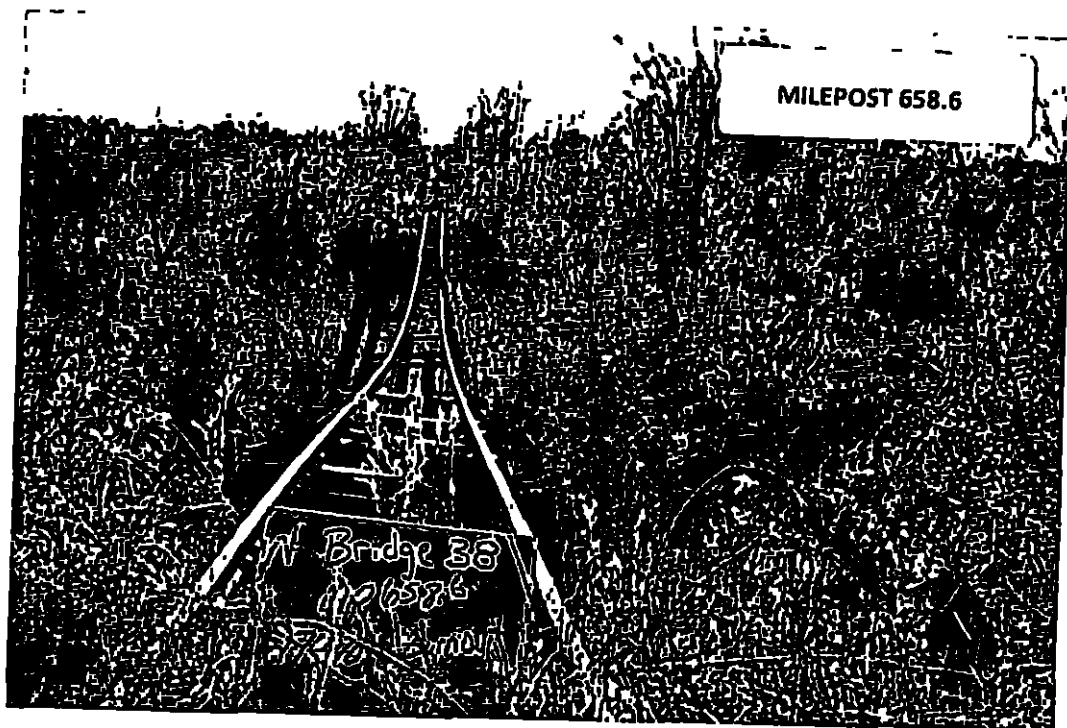
**EXHIBIT 4 - COLOR PHOTOGRAPHS (STRUCTURES) AND
OTHER SUPPORTING MATERIAL**

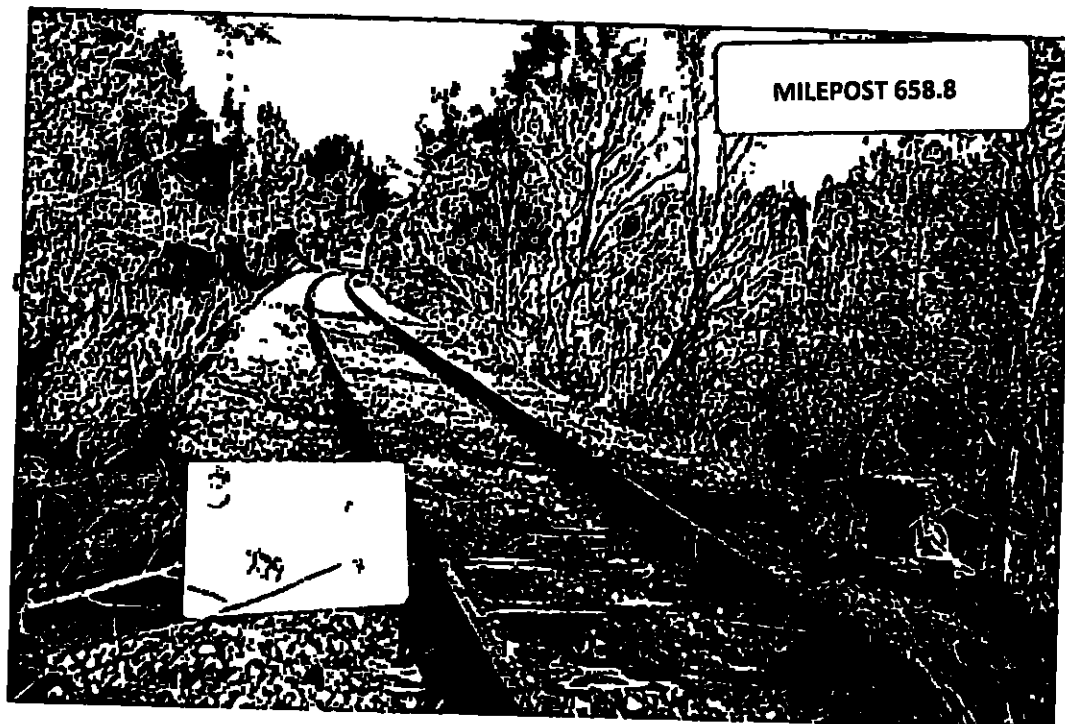
[SUPPLIED TO THE ALABAMA HISTORICAL COMMISSION]

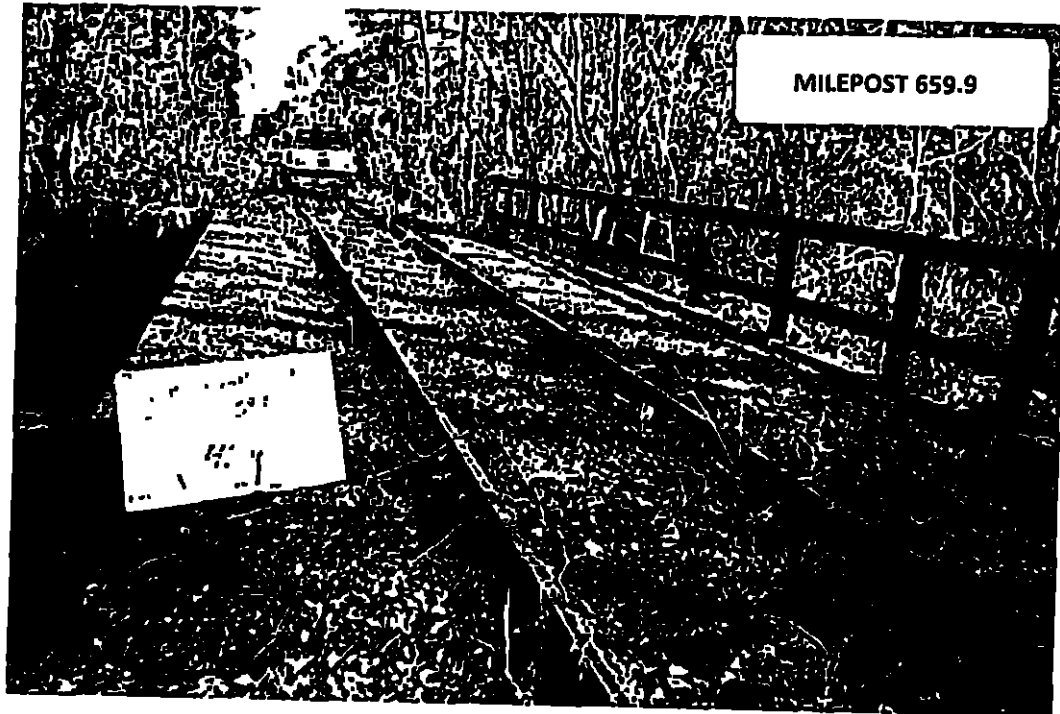


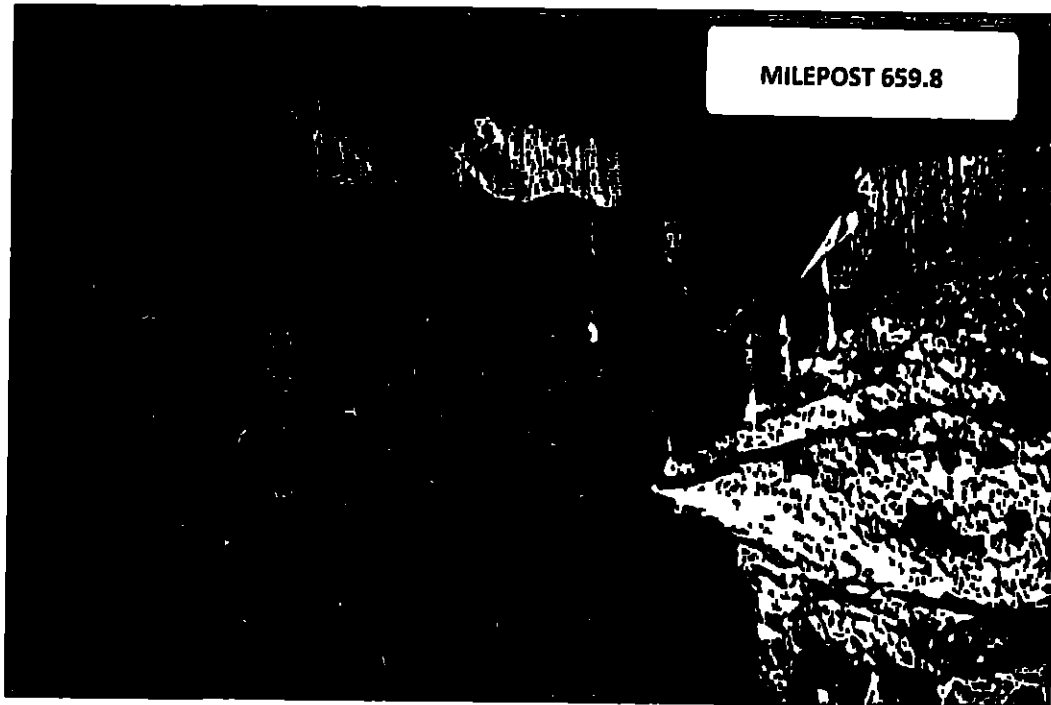










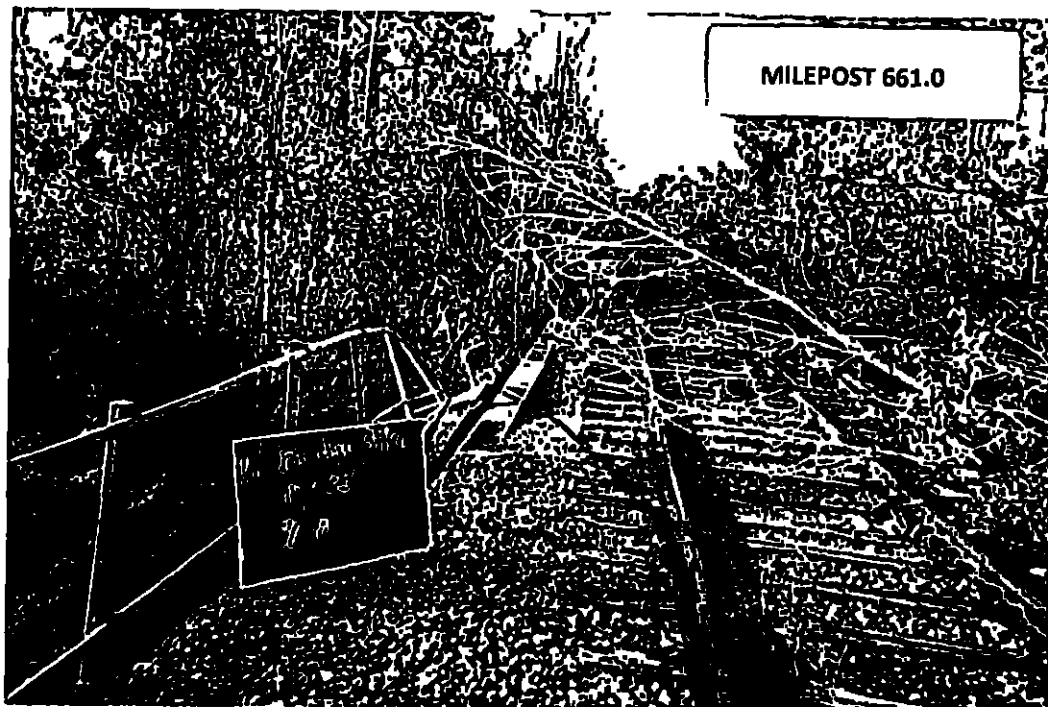
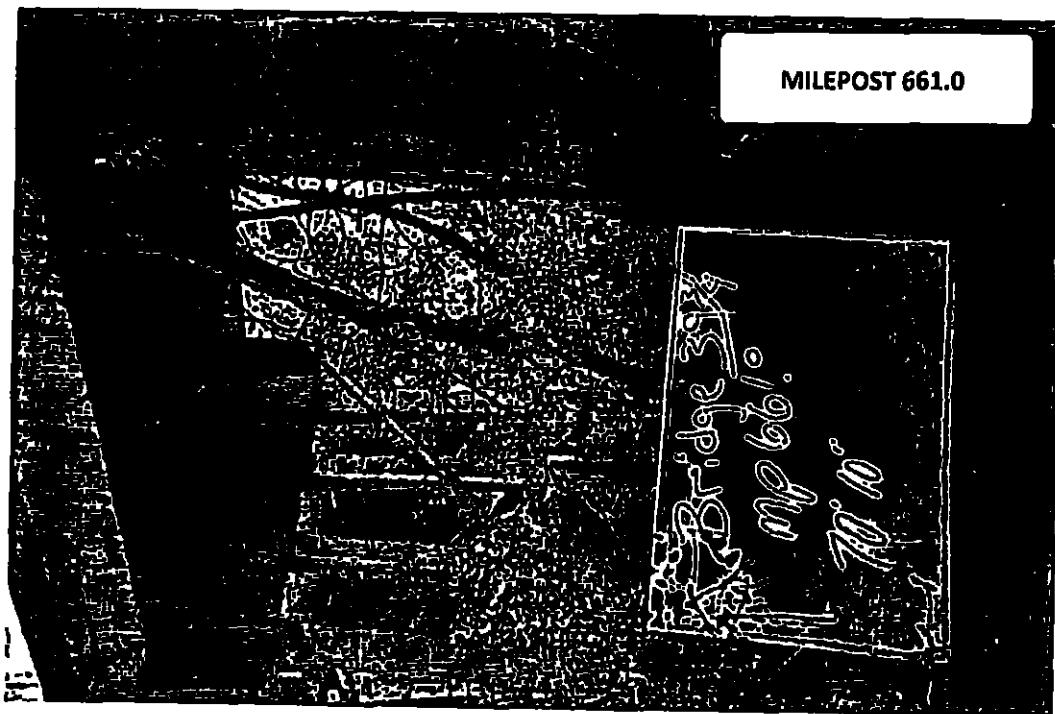


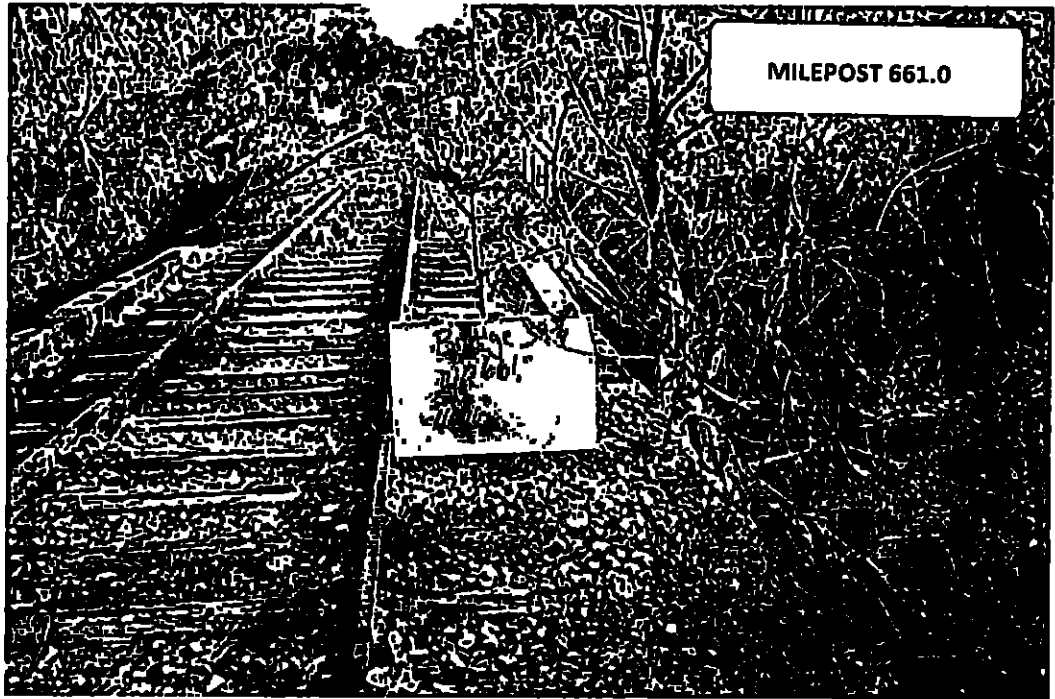
MILEPOST 659.8



MILEPOST 661.0

Bridge 39 3/4





ATTACHMENT 2
CONSULTING AGENCY RESPONSES TO
ENVIRONMENTAL AND HISTORIC REPORT
(POST-CIRCULATION)



United States Department of the Interior

FISH AND WILDLIFE SERVICE

1208-B Main Street
Daphne, Alabama 36526

IN REPLY REFER TO

2013 - TA - 0218

FEB 15 2013

Mr. Robert A. Wimbish
Baker & Miller PLLC
2401 Pennsylvania Avenue NW
Suite 300
Washington, DC 20037

Dear Mr. Wimbish:

Thank you for your letter, dated February 8, 2013, requesting an environmental review of listed species that may be impacted as a result of the Alabama Railroad Co. Abandonment Exemption STB Docket No. AB-463 (Sub - No. 1X) in Monroe County, Alabama. Our report is submitted under the provisions of the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), and Fish & Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-66c et seq.)

Endangered and Threatened Species

The following species are found in this area of Monroe County:

Red Hills salamander (*Phaeognathus hubrichti*) - Threatened
Gopher tortoise (*Gopherus polyphemus*) - Candidate
Southern clubshell (*Pleurobema decisum*) - Endangered
Alabama pearlshell (*Margaritifera marrianae*) - Endangered

As long as salvage operations are conducted in the right-of-way and there is no disturbance of stream / creek bottom we feel there will be no impacts to listed species. While the gopher tortoise is a candidate species and is not afforded protection under ESA it is a species of concern and is listed as protected by the State of Alabama. We do not expect the tortoise to be on the rail lines but there is a chance the tortoise could be found along the right-of-way. We recommend utilization of best management practices that protect water quality.

As long as salvage operations are conducted within the right-of-way, and best management practices are utilized that protect water quality, no further endangered species consultation will be required for this portion of the project unless: 1) the identified action is subsequently modified in a manner that causes an effect on listed species or designated critical habitat; 2) new information reveals the identified action may affect Federally protected species or designated critical habitat in a manner or to an extent not previously considered; or 3) a new species is listed or critical habitat is designated under the Endangered Species Act that may be affected by the identified action.

www.fws.gov

PHONE 251-441-5181

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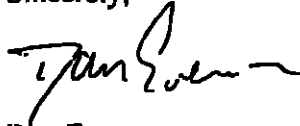
FAX: 251-441-6222

Mr Robert A Wimbish

2

For questions or comments regarding this correspondence, please contact Mr Matt Laschet, at (251)441-5842 or via email matthias_laschet@fws.gov. Please use our case number in future correspondence relating to these projects

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Everson", with a horizontal line extending to the right.

Dan Everson
Deputy Field Supervisor
Alabama Ecological Services Field Office

Alabama Railroad Company - Abandonment Exemption - Monroe County, AL - STB

Docket No. AB-463 (Sub-No. 1X)

Walls, Beth to: rwimbish@bakerandmiller.com

02/25/2013 10:16 AM

Cc: "Mueller, Heinz", "Walls, Beth"

Dear Mr. Wimbish:

I am responding to your February 11, 2013, letter conveying to US EPA, Region 4, the Consolidated Environmental and Historic Report for the proposed abandonment of approximately 7.42 miles of railroad between mileposts (MP) 655.2 (Tunnel Springs) and 662.62 (Beatrice) all within Monroe County, Alabama.

Based upon the information provided in pages 6 and 7 of the Consolidated Environmental and Historic Report, we do not anticipate any Clean Water Act permits being required for the proposed railroad abandonment.

Thank you for the opportunity to review and comment.

Sincerely,

Beth Walls

Beth Walls
Environmental Scientist,
404-562-8309 & walls.beth@epa.gov
Region 4, NEPA Program Office
Sam Nunn AEC, 61 Forsyth St.,
Atlanta, Ga 30303-8960

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-463 (Sub-No. 1X)

**ALABAMA RAILROAD CO.
– ABANDONMENT EXEMPTION –
IN MONROE COUNTY, ALABAMA**

EXEMPTION NOTICE

DRAFT NOTICE OF EXEMPTION

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB-463 (Sub-No. 1X)]

Alabama Railroad Co.—Abandonment Exemption—In Monroe County, MI

Alabama Railroad Co. (ALAB) filed on March 1, 2013, a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon approximately 7.42 miles of rail line (the “Line”) located in Monroe County, Alabama, extending from milepost 655.20 (east of Route 21, at Tunnel Springs, Alabama) to milepost 662.62 (west of Main Street, in Beatrice, Alabama). The Line traverses United States Postal Service Zip Codes 36425 and 36471.

ALAB has certified that (1) no local traffic has moved over the line for at least 2 years; (2) there has been no overhead traffic on the subject line, (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 C.F.R. § 1105.7(c) (environmental report), 49 C.F.R. § 1105.11 (transmittal letter), 49 C.F.R. § 1105.12 (newspaper publication), and 49 C.F.R. § 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. § 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on April 21, 2013, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,² formal expressions of intent to file an OFA under 49 C.F.R. § 1152.27(c)(2),³ and trail use/rail banking requests under 49 C.F.R. § 1152.29 must be filed by _____. 2013. Petitions to reopen or requests for public use conditions under 49 C.F.R. § 1152.28 must be filed by _____. 2013, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to ALAB's representative: William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Ave., NW, suite 300, Washington, DC 20037.

If the verified notice contains false or misleading information, the exemption is void ab initio.

ALAB has filed a combined environmental and historic report which addresses the effects, if any, of the abandonment on the environment and historic resources. OFA will issue an environmental assessment (EA) by _____. Interested persons may obtain a copy of the EA by writing to OFA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) or by calling OFA, at (202) 245-0305. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339. Comments on

² The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See Exemption of Out-of-Serv Rail Lines, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

³ Each OFA must be accompanied by the filing fee, which is currently set at \$1,600. See Regulations Governing Fees for Servs Performed in Connection with Licensing & Related Servs.—2012 Update, EP 542 (Sub-No. 20) (STB served July 27, 2012), and 49 C.F.R. § 1002.2(f)(25).

environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 C.F.R. § 1152.29(c)(2), ALAB shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by ALAB's filing of a notice of consummation by March _____, 2014, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV"

Decided: _____

By the Board, Rachel D. Campbell, Director, Office of Proceedings